UNITED STATES PATENT AND TRADEMARK OFFICE

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			EXAMINER
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ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/692,995	JERDING ET AL.
	Examiner	Art Unit	
	Scott Beliveau	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 August 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>77,78,80,82-87,89-101 and 110-121</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>77,78,80,82-87,89-101 and 110-121</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>08 August 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn

pursuant to 37 CFR 1.114. Applicant's submission filed on 08 August 2005 has been

entered.

Priority

2.   With respect to the applicants claim for priority to US Pat. Application No. 09/590,488,

the subject matter that is common between the two application appears to be related to the

overall system architecture and ordering process as illustrated in Figures 1-6. Figure 19C of

the earlier '488 application, appears to correspond to Figure 7 of the instant application.

However, the earlier filed application does not appear to disclose or illustrate the particular

usage of the "bookmark" process as claimed. Accordingly, the claimed subject matter shall

not receive the priority of an earlier filling with respect to the '488 application.

3.   Applicant has not complied with one or more conditions for receiving the benefit of an

earlier filing date under 35 U.S.C. 119(e) as follows:

The later-filed application must be an application for a patent for an invention which is

also disclosed in the prior application (the parent or original nonprovisional application or

provisional application); the disclosure of the invention in the parent application and in the

later-filed application must be sufficient to comply with the requirements of the first

paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*,

38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

As set forth in the previous Action, provisional application 60/170,302, the provisional

application generally introduces the concept of a bookmark in conjunction with the "current

rental screen" (Page 13). Accordingly, the provisional application does not appear to

perform bookmarking without interrupting the visual presentation as claimed. Accordingly,

for the purposes of evaluation of prior art with respect to applicant's claim to priority to

provisional application 60/170,302, the application filing date shall be the filing date of the

instant application or 20 October 2000 with respect to claims 77, 78, 80, 82-87, and 89-101,

110-121.

Response to Arguments

4.   Applicant's arguments filed 08 August 2005 have been fully considered but they are not

persuasive.

In response to applicant's arguments against the references individually, one cannot show

nonobviousness by attacking references individually where the rejections are based on

combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In

re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, in response

to applicant's argument pertaining to the Milewski and Gibbons require being physical

embodied within a 'STT' the test for obviousness is not whether the features of a secondary

reference may be bodily incorporated into the structure of the primary reference; nor is it that

the claimed invention must be expressly suggested in any one or all of the references.
Rather, the test is what the combined teachings of the references would have suggested to
those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA
1981). White discloses the usage of a STT or WebTV® that supports web-browsing
functionality. Both Milewski and Gibbons teach advantageous functionality/features to be
utilized in connection with web-browsers. Accordingly, it is the examiner's position that the
particular modification of the STT [14] of White and its associated browser functionality to
further utilize the browser based bookmarking functionality of Milewski and associated web-
page teachings of Gibbsons taken in combination would have suggested to those of ordinary
skill in the art the claimed invention.

With respect to applicant's arguments such that the Milewski fails to disclose or suggest a
character sequence is assigned to the video program while the video presentation is presented
to the user, the examiner respectfully disagrees. The Milewski reference clearly sets forth
that a bookmark is provided while the user is viewing a particular program (ex. Col 1, Lines
58-61) and when bookmarking a program character information is received (Col 7, Lines 56-
59). If the viewer is viewing the program and establishes a bookmark including the entry of
character information, it is the examiner's position that the limitation of assigning a character
sequence to the video program while the video presentation is presented is met.

With respect to applicant's continued general traversal of all Official Notices and well-
known allegations, the examiner respectfully disagrees that such facts are not capable of
instant and unquestionable demonstration. As previously set-forth in the Final Rejection
mailed on 03 May 2005, the examiner respectfully notes that concrete documentary evidence

to support the examiner's conclusion of such statements has already been supplied of record

and has also been particularly pointed out to the applicant. As applicant's provide no further

arguments specifically pointing out how/why each of the previously noted references of

record fail to provide evidence of the facts or other allegations as not being capable of instant

and unquestionable demonstration and based on sound and scientific reasoning in light of the

previously provided evidence, the traversal is not persuasive.

Drawings

5.   The drawings were received on 08 August 2005. These drawings are approved.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent

any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to

point out the inventor and invention dates of each claim that was not commonly owned at the

time a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8.   Claims 77, 78, 80, 82-87, 89-101, 110-113, and 115-121 are rejected under 35 U.S.C.

103(a) as being unpatentable over White et al. (US Pat No. 6,628,302) in view of Milewski et

al. (US Pat No. 6,289,346).

In consideration of claims 80 and 96, the White et al. reference discloses a "television

set-top terminal (STT)" [14] coupled via a "bi-directional communication network" [22] to a

"server" [12]. As illustrated in conjunction with Figure 3, the "set-top terminal" [14]

comprises a "tuner configured to receive a video presentation" [60], "memory" [40], and a

"processor" [38] to enable the operation of the terminal so as to facilitate the display of the

motion video presentation being "outputted . . . as a television signal" [44] (Col 1, Line 65 –

Col 4, Line 64). The reference, however, does not disclose or suggest that the viewer may

perform bookmarking operations in conjunction with the distributed programs as is

understood in the art.

The Milewski et al. reference discloses a method and apparatus (Col 7, Lines 7-27)

wherein during the "outputting . . . at least a portion of the video presentation as a television

signal", the system "receives a first user input associated with a visual scene contained in the

video presentation" including a "user input configured to assign a character sequence to said

video scene . . . while said video presentation is being presented to said user" and

subsequently "stores information related to said scene" and "said character sequence" in the

"memory . . . responsive to receiving the first user input" and "a user input" respectively

(Milewski et al.: Col 1, Line 55 – Col 2, Line 19; Col 3, Lines 31-63; Col 6, Lines 12-22;

Col 7, Lines 28-67). The "character sequence" is construed as being provided while the

presentation is being presented given that the user has no control over the broadcast program.

Subsequently, the embodiment "outputs . . . at least another portion of the video presentation as a television signal after information has been stored" whereupon at a later point in time, the embodiment is operable to "receive a second user input configured to request said visual scene in said video presentation after . . . [outputting] the at least another portion of the video presentation" and to "output . . . a television signal of said video presentation starting from a location corresponding to said visual scene responsive to the second user input, where the location corresponding to the visual scene is identified . . . using the information related to said visual scene" in conjunction with the operation of requesting the particular re-play of the video presentation from the bookmarked point (Col 2, Lines 27-30). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the White et al. "STT" [14] with its web-based user interface controls so as to the bookmarking features of Milewski et al. for the purpose of providing a means for advantageously quickly facilitating the retrieval of video segments of interest at a later date (Milewski et al.: Col 2, Lines 20-30). Subsequently, all of the claimed steps of the method are "executed by the STT" [14].

In connection with the particular composition of the personalized web page comprising the bookmarked segments, the Milewski et al. reference is unclear. The reference, however, expressly incorporates by reference the Gibbon et al. reference (US Pat No. 6,098,082) (Col 5, Lines 47-64). The Gibbon et al. reference discloses that it is known in the art to "provide . . . [a] character sequence simultaneously with an image corresponding to . . . [a] visual scene". Furthermore, the display of a bookmarked image with user defined descriptive information is commonly known in the art, as evidenced by the art of record. Accordingly, it

would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the personalized bookmarked page of Milewski et al. so as to comprise user supplied descriptive data simultaneously with an image corresponding to the visual scene so as to facilitate searching and retrieval of bookmarked video segments using both visual and textual information (Milewski et al.: Col 7, Lines 32-51; Gibbon et al.: Col 1, Lines 55-58).

In consideration of claim 77, the Milewski et al. reference discloses that it is operable to identifying information corresponding to a "point corresponding to a beginning of an entirety of the video presentation". However, the reference teaches that it is not limited to any particular method of designating URLs to portions of the program. Rather, the reference teaches that it need only associate the time of interest in the broadcast program to the archived segment (Col 6, Lines 1-11). Accordingly, the reference implicitly teaches "storing information identifying a location of said visual scene in relation to a point in said video presentation other than a point corresponding to a beginning of an entirety of the video presentation" using either relative (ex. 10 minutes from the start or end of the program) or absolute time references (ex. segment was broadcast at 1:45 PM).

Alternatively, it would have been an obvious matter of design choice to "include storing information identifying a location of said visual scene in relation to a point in said video presentation other than a point corresponding to a beginning of an entirety of the video presentation", since the application has not disclosed that the particular usage of identifying a location of a scene in relationship to a point in said video presentation other than a point corresponding to a beginning of an entirety of the video presentation solves any stated

problem or is for any particular purpose and it appears that the invention would perform

equally well using a reference point corresponding to the beginning, middle, or end of the

presentation for the purpose of providing a means to identify where within a presentation a

particular bookmarked scene may be located in a manner consistent with the teachings of

Milewski et al. For example, presuming that a presentation was 1 hour long and a user

bookmarked a location at a point in time 10 minutes into the presentation. One of ordinary

skill in the art would recognize that such bookmark might be equivalently located 10 minutes

from the start of the program or 50 from the end of the presentation or 20 minutes from the

middle of the presentation.

Claim 78 is rejected wherein the "video presentation is a video-on demand presentation"

such that the "server transmits the portions of said video presentation starting from said

visual scene responsive to the second user input" (Milewski et al.: Col 2, Lines 17-30).

In consideration of claim 82, the White et al. system as shown in Figure 1 illustrates that

the system is operable to service multiple clients (Col 4, Lines 7-17). Accordingly, it would

have been obvious in light of the combined references such that the embodiment "further

comprises receiving a plurality of user inputs configured to assign a plurality of respective

character sequences corresponding to a plurality of visual scenes that were bookmarked

responsive to a plurality of respective user inputs" for the purpose of advantageously

enabling each of the users to select and control their own individual bookmark lists and

subsequent playback at their own pace. Furthermore, such sequences would be implicitly

"received after the video presentation has been provided to the user" given that the video

presentation must have started such that a user can bookmark a scene. Alternatively, the Milewski et al. reference does not appear to be limited to single usage bookmarking.

Claim 83 is rejected wherein the embodiment is operable to "receive a user input configured to request information related to said visual scene in said video presentation" such that the "information related to said visual scene" may be broadly construed as "information" or subsequent video images from the video presentation related to the in terms of sequence of presentation from the bookmarked point. Accordingly, the "requested information" is "provided . . . responsive to receiving the user input configured to request information" in conjunction with the playback from the particular scene.

Claim 84 is rejected wherein the "first user input associated with the visual scene is received while the video presentation is being output by the STT, wherein outputting the video presentation by the STT is not interrupted responsive to the first user input" given that the user has no control over the distribution of the broadcast program, as aforementioned.

In consideration of claim 85, the Milewski et al. reference, as aforementioned, "outputs information confirming that the visual scene has been bookmarked" in the form of a personal web page comprising a plurality of still images. As illustrated in the Gibbon et al. reference, the "information overlays a minority portion of a television screen used to display the video presentation". Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made in light of the combined references, so as to display the "information . . . [using] a minority portion of a television screen" so as to ensure that the programming for which the user cannot control the distribution of is not missed during the bookmarking and character entry process.

Claim 86 is rejected wherein the "information confirming that the visual scene has been bookmarked" includes an "icon" in the form of a still image.

In consideration of claim 87, the "information related to said visual scene" is stored in a "memory of the server responsive to receiving the first user input" (Milewski et al.: Col 7, Line 32-24).

Claim 89 is rejected wherein "said second user input corresponds to a thumbnail image corresponding to said visual scene" such that the selection of a particular URL "corresponding" to a "thumbnail image" of a representative scene initiates the retrieval of the particular video segment for playback.

Claims 90 and 97 are rejected wherein "said visual scene is associated with a bookmark list associated with a plurality of visual scenes associated with a plurality of respective user inputs" (Milewski et al.: Col 7, Lines 42-51).

In consideration of claims 91 and 98, the White et al. system as shown in Figure 1 illustrates that the system is operable to service multiple clients (Col 4, Lines 7-17). Accordingly, it would have been obvious in light of the combined references such that the embodiment "further comprises associating a plurality of visual scenes with a plurality of respective bookmark lists associated with a plurality of respective users responsive to a plurality of respective user inputs" for the purpose of advantageously enabling each of the users to select and control their own individual bookmark lists and subsequent playback at their own pace.

In consideration of claims 92 and 99, the Milewski et al. system is operable to support a "plurality of respective video presentations" [132/134/136/138]. Accordingly, it would have

been obvious in light of the combined references such that the embodiment "further

comprises associating a plurality of visual scenes with a plurality of respective bookmark

lists associated with a plurality of respective video presentations responsive to a plurality of

respective user inputs" for the purpose of advantageously allowing the plurality of users who

watch a plurality of presentations to bookmark respective scenes of interest for subsequent

playback.

In consideration of claims 93 and 100, the Milewski et al. system is a subscription service

(Col 4, Lines 38-44). While the reference discloses the ability to provide the user with access

to remotely archived media, the reference does not particularly disclose nor preclude "after

expiration of a rental access period corresponding to the video presentation" to "prompt said

user to provide input indicating whether said information" corresponding to the bookmarks is

to be "deleted from the memory of the STT". The examiner takes OFFICIAL NOTICE as to

the existence of subscription based video repositories with associated rental access periods

that expire. For example, providers such as Broadcast.com™, RealNetworks™, and cable

providers offer such services. Given the existence of such, a user may potentially bookmark

a segment of a program that they would not be able to subsequently retrieve given the

expiration of their rental period. Accordingly, it would have been obvious to one having

ordinary skill in the art at the time the invention was made so as to "delete from the memory

of the STT" bookmarks that correspond to expired material for the purpose of providing a

means for managing limited memory resources associated with the storage of the bookmark

lists.

The reference, however, does not further explicitly disclose nor preclude "prompting said user to provide input indicating whether said information is to be deleted from the memory of the STT". Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide such functionality in conjunction with the combined teachings for the purpose of providing the user with a friendly reminder that the bookmark is to be deleted in conjunction with the expiration of the rental or access period and to subsequently provide the user with the opportunity to save the bookmark in conjunction with a renewal/extension of the subscription. Such a method may advantageously provide additional revenue to the provider. For example, by continuing to associate a particular scene with the bookmark list, the provider could subsequently provide the user with the opportunity continue/finish watching the video from a particular point in conjunction with an added fee associated with the renewal/extension of the subscription. Alternatively, providing the user with the ability to continue to access a segment or plurality of segments for which they have not paid for would constitute a loss of potential revenue for the provider.

Claims 94 and 101 are rejected wherein the Milewski et al. reference discloses "storing an image corresponding to said visual scene in a memory . . . responsive to receiving the first user input" such that a corresponding thumbnail image associated with the bookmarked URL is stored or cached in memory in conjunction with the generated web page of bookmarked scenes.

Claim 95 is rejected wherein "said second user input requesting said visual scene corresponds to a thumbnail image corresponding to the visual scene, said thumbnail image

being simultaneously provided with a plurality of thumbnail images corresponding to a plurality of visual scenes in the video presentation" in light of the aforementioned generated personal web-page of bookmarked segments of Milewski et al. and Gibbon et al.

In consideration of claim 110, the White et al. reference discloses a "television set-top terminal (STT)" [14] coupled via a "bi-directional communication network" [22] to a "server" [12]. The reference, however, does not disclose or suggest that the viewer may perform bookmarking operations in conjunction with the distributed programs.

The Milewski et al. reference discloses a method for "identifying . . . a plurality of locations in a video presentation responsive to a plurality of respective user inputs" which are "associated . . . a plurality of respective names . . . responsive to a plurality of respective user inputs received . . . while the motion video presentation was being output" such that the "plurality of respective names include a first name and a second name . . . [associated with] a first location and a second location" and comprise a "character sequence" (Milewski et al.: Col 1, Line 55 – Col 2, Line 19; Col 3, Lines 31-63; Col 6, Lines 12-22; Col 7, Lines 28-67). As aforementioned, the "character sequence" is construed as being provided while the presentation is being presented given that the user has no control over the broadcast program. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the White et al. "STT" [14] with its web-based user interface controls so as to utilize the bookmarking features of Milewski et al. for the purpose of providing a means for advantageously quickly facilitating the retrieval of video segments of interest at a later date (Milewski et al.: Col 2, Lines 20-30).

The combined references, while operable to "output by the STT" a "first" and "second" television signal" associated with the particular bookmarked segments, do not particularly disclose nor preclude the display of an "image corresponding" to the "first" and "second" locations". However, the display of a plurality of bookmarked images with associated descriptive information is commonly known in the art. As aforementioned, the Gibbon et al. reference discloses that it is known in the art to provide an "image corresponding to the first location" and the "second location". Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the personalized bookmarked page of Milewski et al. so as to comprise user supplied segment "names" with "an image corresponding to the . . . location" or bookmarked segment for the purpose of facilitating searching and retrieval of bookmarked video segments using both visual and descriptive information (Milewski et al.: Col 7, Lines 32-51; Gibbon et al.: Col 1, Lines 55-58).

Claim 111 is view of the aforementioned combination wherein responsive to "receiving a user input corresponding to the second image", the system "provides a portion of the video presentation starting from a location corresponding to the second image" in conjunction with the operation of requesting the particular re-play of the video presentation from the bookmarked point (Milewski et al.: Col 2, Lines 27-30).

In consideration of claim 112, the White et al. reference discloses a "television set-top terminal (STT)" [14] coupled via a "bi-directional communication network" [22] to a "server" [12]. The reference, however, does not disclose or suggest that the viewer may perform bookmarking operations in conjunction with the distributed programs.

The Milewski et al. reference discloses a method for "identifying . . . a plurality of locations in a video presentation responsive to a plurality of respective user inputs" which are "associated . . . a plurality of respective names . . . responsive to a plurality of respective user inputs received . . . while the motion video presentation was being output . . . wherein each of the plurality of respective names comprises a character sequence" describing the scene (Milewski et al.: Col 1, Line 55 – Col 2, Line 19; Col 3, Lines 31-63; Col 6, Lines 12-22; Col 7, Lines 28-67). As aforementioned, the "character sequence" is construed as being provided while the presentation is being presented given that the user has no control over the broadcast program. The reference subsequently "provides a list that includes the plurality of names" in the form of a list of bookmarked wherein the system may subsequently "receive user input corresponding to one of the plurality of names included in the list" and "provide a portion of the motion video presentation starting from a location corresponding to said one of the plurality of names" (Milewski et al.: Col 2, Lines 27-30). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the White et al. "STT" [14] with its web-based user interface controls so as to utilize the bookmarking features of Milewski et al. for the purpose of providing a means for advantageously quickly facilitating the retrieval of video segments of interest at a later date (Milewski et al.: Col 2, Lines 20-30). Subsequently, the "above steps are executed by the STT" [14].

Claim 113 is rejected wherein "at least one of the plurality of locations was identified by a respective user input while the motion video presentation was being output by the STT" (Milewski et al.: Col 7, Lines 7-26).

In consideration of claim 115, the White et al. reference discloses a method implemented by a "television set-top terminal (STT)" [14] coupled via a "bi-directional communication network" [22] to a "server" [12]. As illustrated in conjunction with Figure 3, the "set-top terminal" [14] "receives via a tuner . . . a motion video presentation" [60] from the "server" which is "outputted . . . as a television signal" [44] (Col 1, Line 65 – Col 4, Line 64). The reference, however, does not disclose or suggest that the viewer may perform bookmarking operations in conjunction with the distributed programs as is understood in the art.

The Milewski et al. reference discloses a method and apparatus (Col 7, Lines 7-27) wherein during the "outputting . . . at least a portion of the video presentation as a television signal", the system "receives a first user input associated with a visual scene contained in the motion video presentation" including a "user input configured to assign a character sequence to said video scene . . . while said video presentation is being presented to said user" and subsequently "stores information related to said scene" and "said character sequence" in the "memory . . . responsive to receiving the first user input" and "a user input" respectively (Milewski et al.: Col 1, Line 55 – Col 2, Line 19; Col 3, Lines 31-63; Col 6, Lines 12-22; Col 7, Lines 28-67). The "character sequence" is construed as being provided while the presentation is being presented given that the user has no control over the broadcast program. Subsequently, the system "outputs . . . at least another portion of the video presentation as a television signal after information has been stored" whereupon at a later point in time, the embodiment is operable to "receive a second user input configured to request said visual scene in said video presentation after . . . [outputting] the at least another portion of the video presentation" and to "output . . . a television signal of said video presentation starting from a

location corresponding to said visual scene responsive to the second user input, where the

location corresponding to the visual scene is identified . . . using the information related to

said visual scene" in conjunction with the operation of requesting the particular re-play of the

video presentation from the bookmarked point (Col 2, Lines 27-30). Accordingly, it would

have been obvious to one having ordinary skill in the art at the time the invention was made

to modify the White et al. "STT" [14] web-based user interface controls so as to the

bookmarking features of Milewski et al. for the purpose of providing a means for

advantageously quickly facilitating the retrieval of video segments of interest at a later date

(Milewski et al.: Col 2, Lines 20-30). Subsequently, all of the claimed steps of the method

are "executed by the STT" [14].

With respect to the limitation of "providing said character sequence simultaneously with

an image corresponding to said visual scene responsive to user input", the Milewski et al.

reference is unclear as to the particular composition of the personalized web page comprising

the bookmarked segments,. The reference, however, expressly incorporates by reference the

Gibbon et al. reference (US Pat No. 6,098,082) (Col 5, Lines 47-64). The Gibbon et al.

reference discloses that it is known in the art to "provide . . . [a] character sequence

simultaneously with an image corresponding to . . . [a] visual scene". Furthermore, the

display of a bookmarked image with user defined descriptive information is commonly

known in the art, as evidenced by the art of record. Accordingly, it would have been obvious

to one having ordinary skill in the art at the time the invention was made so as to modify the

personalized bookmarked page of Milewski et al. so as to comprise user supplied descriptive

data simultaneously with an image corresponding to the visual scene so as to facilitate

searching and retrieval of bookmarked video segments using both visual and textual information (Milewski et al.: Col 7, Lines 32-51; Gibbon et al.: Col 1, Lines 55-58).

As aforementioned, the system is operable to "receive a user input configured to request information related to said visual scene in said video presentation" such that the "information related to said visual scene" may be broadly construed as "information" or subsequent video images from the video presentation related to the in terms of sequence of presentation from the bookmarked point. Accordingly, the "requested information" is "provided . . . responsive to receiving the user input configured to request information" in conjunction with the playback from the particular scene.

As aforementioned, the Milewski et al. reference, "outputs information confirming that the visual scene has been bookmarked" in the form of a personal web page including an "icon" or representative image corresponding to the bookmarked segment. As illustrated, in the Gibbon et al. reference, the "information overlays a minority portion of a television screen used to display the video presentation". Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made in light of the combined references, so as to display the "information . . . [using] a minority portion of a television screen" so as to ensure that the programming for which the user cannot control the distribution of is not missed during the bookmarking and character entry process.

As aforementioned, the "video presentation is a video-on demand presentation" such that the "server transmits the portions of said video presentation starting from said visual scene responsive to the second user input" (Milewski et al.: Col 2, Lines 17-30).

As aforementioned, the "first user input associated with the visual scene is received while the video presentation is being output by the STT, wherein outputting the video presentation by the STT is not interrupted responsive to the first user input" given that the user has no control over the original distribution of the broadcast program, as aforementioned.

In consideration of claim 116, the White et al. reference discloses a "television set-top terminal (STT)" [14] or WebTV® terminal comprising a "memory" [40] and device to facilitate a user input [52]. As is well known in the art, a WebTV® terminal is effectively a PC-TV that facilitates both the ability to browse the Internet and watch television programming through an integrated platform. The reference, however, does not particularly disclose nor preclude well-known browser control functions such as those associated with bookmarking images for later retrieval.

The Milewski et al. reference discloses a method for "receiving a first user input configured to assign a character sequence to a visual scene in a motion video presentation . . . . while said video presentation is being presented to said user" whereupon the system "stores data corresponding to said character sequence in a memory . . . responsive to receiving the first user input related to said scene". Subsequently, the system may "receive . . . a third user input . . . corresponding to said visual scene" and "output a portion of said motion video presentation starting substantially from said visual scene responsive to receiving said third user input" (Milewski et al.: Col 1, Line 55 – Col 2, Line 19; Col 2, Lines 27-30; Col 3, Lines 31-63; Col 6, Lines 12-22; Col 7, Lines 28-67). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the White et al. WebTV® or "STT" [14] so as to support the bookmarking features of

Milewski et al. for the purpose of providing a means for advantageously quickly facilitating

the retrieval of video segments of interest at a later date (Milewski et al.: Col 2, Lines 20-

30). Subsequently, all of the claimed steps of the method are "executed by the STT" [14].

In connection with the particular composition of the personalized web page comprising

the bookmarked segments, the Milewski et al. reference is unclear. The reference, however,

expressly incorporates by reference the Gibbon et al. reference (US Pat No. 6,098,082) (Col

5, Lines 47-64) which discloses that it is known in the art to "provide . . . [a] character

sequence simultaneously with an image corresponding to . . . [a] visual scene". The display

of a bookmarked image with user defined descriptive information is further commonly

known in the art, as evidenced by the art of record. Accordingly, it would have been obvious

to one having ordinary skill in the art at the time the invention was made so as to modify the

personalized bookmarked page of Milewski et al. so as to comprise user supplied descriptive

data simultaneously with an image corresponding to the visual scene so as to facilitate

searching and retrieval of bookmarked video segments using both visual and textual

information (Milewski et al.: Col 7, Lines 32-51; Gibbon et al.: Col 1, Lines 55-58).

Claim 117 is rejected wherein the "image corresponding to said visual scene is a still

image" (Gibbon et al.: Col 2, Line 31-55).

Claim 118 is rejected wherein as aforementioned the Milewski et al. reference is operable

"output by the STT" the aforementioned "plurality of still images corresponding to a

plurality of visual scenes" and the "plurality of character sequences corresponding to the

plurality of visual scenes" so as to be "simultaneously displayed by the television" in

conjunction with the user retrieving user personalized web page (Milewski et al.: Col 7,

Lines 30-32).

In consideration of claim 119, as aforementioned, the White et al. reference is operable to

facilitate the controlled delivery of archived programming such that a "motion video

presentation is suspended by the STT" wherein upon the suspension the resulting screen may

be put to various uses (White et al.: Col 5, Lines 16-29). Accordingly, it would have been

obvious to one having ordinary skill in the art at the time the invention was made provide the

user with the ability to return to a previously bookmarked point through the aforementioned

thumbnail-descriptive information display of Milewski et al. in connection with the

suspension of the previously archived presentation for the purpose of providing a means for a

user to easily navigate to a previous point in a presentation without having to rewind through

the entire presentation.

In consideration of claims 120 and 121, the White et al. reference discloses a "television

set-top terminal (STT)" [14] coupled via a "bi-directional communication network" [22] to a

"server" [12]. As illustrated in conjunction with Figure 3, the "set-top terminal" [14]

comprises a "tuner configured to receive a video presentation provided by the server" [60],

"memory" [40], and a "processor" [38] to enable the operation of the terminal so as to

facilitate the display of the motion video presentation being "outputted . . . as a television

signal" [44] (Col 1, Line 65 – Col 4, Line 64). The reference, however, does not disclose or

suggest that the viewer may perform bookmarking operations in conjunction with the

distributed programs as is understood in the art.

The Milewski et al. reference discloses a method and apparatus (Col 7, Lines 7-27) whereupon during the "outputting . . . at least a portion of the video presentation as a television signal", the system "receives a first user input associated with a visual scene contained in the video presentation while the video presentation is being output . . . , wherein outputting the video presentation . . . is not interrupted responsive to the first user input" given that the user has no control over the distribution of the broadcast program, as previously set forth. The system subsequently "stores information related to said scene" and "said character sequence" in the "memory . . . responsive to receiving the first user input" (Milewski et al.: Col 1, Line 55 – Col 2, Line 19; Col 3, Lines 31-63; Col 6, Lines 12-22; Col 7, Lines 28-67) and "outputs . . . at least another portion of the video presentation as a television signal after the information related to a visual scene has been stored" in association with the continuing of the existing program or retrieval of the program from a bookmarked location. At a later point in time, the system is operable to "receive a second user input configured to request said visual scene in said video presentation after . . . [outputting] the at least another portion of the video presentation" and to "output . . . a television signal of said video presentation starting from a location corresponding to said visual scene responsive to the second user input, where the location corresponding to the visual scene is identified by the STT using the information related to said visual scene" in conjunction with the operation of requesting the particular re-play of the video presentation from the bookmarked point (Col 2, Lines 27-30). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the White et al. "STT" [14] with its web-based user interface controls so as to the bookmarking features of Milewski et al. for the

purpose of providing a means for advantageously quickly facilitating the retrieval of video

segments of interest at a later date (Milewski et al.: Col 2, Lines 20-30). Subsequently, all of

the claimed steps of the system and method are "executed by the STT" [14].

With respect to the limitation pertaining to "outputting . . . information confirming that

the visual scene has been bookmarked . . . ", the Milewski et al. reference, as

aforementioned, "outputs information confirming that the visual scene has been

bookmarked" in the form of a personal web page, but does not illustrate what such a web

page might look like such that "the information" or video still corresponding to a segment or

the information entered by the user to serve as a reminder as to why a particular scene was

bookmarked. The reference, expressly incorporates by reference the Gibbon et al. reference

(US Pat No. 6,098,082) (Col 5, Lines 47-64). The Gibbon et al. reference illustrates that the

"information overlays a minority portion of a television screen being used to display the

video presentation". The claim does not require that the particular "information" is

necessarily simultaneously displayed with the currently watched program being actively

bookmarked. Rather, the claim is interpreted such that the overlaid information is merely

using the same television display being used for the display of the video presentation

previously watched. Accordingly, it would have been obvious to one having ordinary skill in

the art at the time the invention was made so as to modify the personalized bookmarked page

of Milewski et al. so as to comprise "information that overlays a minority portion of a

television screen being used to display the video presentation" previously such as the user

supplied descriptive data or image corresponding to the visual scene so as to facilitate

searching and subsequent retrieval of bookmarked video segments using both visual and

textual information (Milewski et al.: Col 7, Lines 32-51; Gibbon et al.: Col 1, Lines 55-58).

9.   Claim 114 is rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US

Pat No. 6,628,302), in view of Milewski et al. (US Pat No. 6,289,346), and in further view of

Sampsell (US Pat No. 6,614,988).

In consideration of claim 114, the combined references do not particularly disclose nor

preclude the usage of a pre-generated list of names for usage in adding descriptive material to

the bookmarked scene for later reference. The Sampsell reference discloses that it is known

in the art to utilize a video segment labeling system wherein "at least one of the plurality of

names was selected by a respective user input from a list of names provided by the STT"

(Col 2, Lines 28-36; Col 3, Lines 16-38). Accordingly, it would have been obvious to one

having ordinary skill in the art at the time the invention was made so as to employ a pre-

generated list of names for usage in adding descriptive material to segments as taught by

Sampsell for the purpose of providing a means to provide such information in a manner that

advantageously does not require the usage of an full alphanumeric keyboard and facilitates

quicker creation of descriptive material by not requiring the user to enter information on a

character-by-character basis and further facilitates searching for desirable objects.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of

the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and

art of record in the next Office action if they had been entered in the application prior to entry

under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343. The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
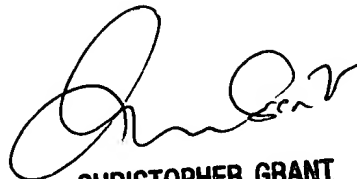
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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(toll-free).

<div style="text-align: right;">
Scott Beliveau
Examiner
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SEB
September 9, 2005

CHRISTOPHER GRANT
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